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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,256	03/31/2004	Olivier Michaelis	030282	7459
23596 7590 07/03/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER				
LIPMAN, JACOB				
ART UNIT		PAPER NUMBER		
2134				
NOTIFICATION DATE		DELIVERY MODE		
07/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/815,256

Applicant(s)

MICHAELIS ET AL.

Examiner

JACOB LIPMAN

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-29, 31, 32, 34 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-29, 31, 32, 34, and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 16, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al., USPN 6,243,468 in view of Ta et al., USPN 6,931,545.

With regard to claims 16 and 18, Pearce discloses a method of associating software with hardware (column 2 lines 35-43) including obtaining a software id (column 3 lines 5-6) and a hardware id (column 3 lines 6-7) and generating a signature for the software (checksum, column 2 lines 48-51), software id, and the hardware id using cryptography (hashing, column 3 lines 7-11) used to validate the software (column 7 lines 11-15). Pearce discloses using a check-sum of the software to authenticate it, but does not specifically disclose using a hash to create a checksum, or to authenticate the software itself. Ta discloses hashing software (creating a hash digest) to create a software ID to use in authenticating the software (column 9 lines 36-42). It would have been obvious for one of ordinary skill in the art to use the hash of Ta as the checksum in Pearce to increase security.

With regard to claim 21 and 22, Pearce discloses checking whether or not to allow software to hardware association based on the hardware (column 8 lines 50-65).

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3. Claims 1-15, 19, 20, 23-29, 31, 32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce in view of Ta, in further view of Gralla, in How The Internet Works.

With regard to claims 1-5, 7-12, 14, 15, 19, 20, 23-29, 31, 32, 34, and 36-40, Pearce in view of Ta discloses associating software with hardware as disclosed above, and discloses sending a information to and from the registration authority over an insecure network (column 4 lines 21-26) but does not disclose that this network communication utilizes public keys and certificates. Gralla discloses that public key cryptography and digital certificates is often used to secure network communication (pages 303-307). It would have been obvious for one of ordinary skill in the art to secure Pearce's network communication with digital certificates and public key cryptography for Gralla's given motivation of protecting information and increasing security (page 303).

With regard to claim 6, Pearce discloses the product number includes a product code serialized number (column 48-51). The examiner further takes official notice that version numbers are often given to software. It would have been obvious for one of ordinary skill in the art to base a product code or serial number on a version number to better identify the product.

With regard to claim 13, Pearce discloses using a wireless network (column 4 lines 21-26).

With regard to claim 26, Pearce discloses checking a database (column 8 lines 56-58).

With regard to claims 37-40, Gralla does not specifically disclose keeping the key in a tamper proof manner. The examiner takes official notice that it is well known in the art to store secret information in a tamper-proof manner. It would have been obvious for one of ordinary skill in the art to store the key of Gralla in a tamper-proof manner to increase security, a stated issue in Gralla.

Response to Arguments

4. Applicant's arguments filed 6 May 2008 have been fully considered but they are not persuasive.

With regard to applicant's argument that the software ID of Pearce is not the same for each instance of the software since there is included a 7-bit serialized number that is product specific, the examiner points out that the 5-bit RPC and 3-bit site value read on the first identifier.

With regard to applicant's argument that Pearce does not disclose a code image, the examiner points to applicant's definition of code image as software, software ID, code signature, and a certificate (applicant's abstract). The software in Pearce includes software, a software ID (product ID, column 2 line 61), code signature, made up of a hash of the software and hardware IDs (registration ID, column 2 line 61-column 3 line 4), and a certificate (hashing algorithm, column 3 lines 5-11).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB LIPMAN whose telephone number is (571)272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacob Lipman/
Primary Examiner, Art Unit 2134